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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 527]

भोपाल, सोमवार, दिनांक 23 दिसम्बर 2019—पौष 2, शक 1941

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 23 दिसम्बर 2019

क्र. 21940-339-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश विनिर्दिष्ट मंदिर विधेयक, 2019 (क्रमांक 42 सन् 2019) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अतिरिक्त सचिव.

MADHYA PRADESH BILL
No. 42 of 2019

THE MADHYA PRADESH VINIRDISHTA MANDIR VIDHEYAK, 2019

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THE FIRST SCHEDULE

THE SECOND SCHEDULE

MADHYA PRADESH BILL

No. 42 of 2019

THE MADHYA PRADESH VINIRDISHTA MANDIR VIDHEYAK, 2019

A Bill to provide for the better maintenance, preservation, management and administration of main temples of Madhya Pradesh and their endowments and for the matters connected therewith or incidental there to.

Be it enacted by the Madhya Pradesh Legislature in the seventieth year of the Republic of India as follows:—

**CHAPTER—I
PRELIMINARY**

**Short title,
extent and
commencement.**

1. (1) This Act may be called the Madhya Pradesh Vinirdishta Mandir Adhiniyam, 2019.

(2) It extends to the whole of the State of Madhya Pradesh.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

**Act to override
certain Acts.**

2. (1) This Act shall have effect, notwithstanding anything contained to the contrary in the Religious Endowment Act, 1863 (No. 20 of 1863), the Charitable Endowments Act, 1890 (No. 6 of 1890), the Charitable and Religious Trusts Act, 1920 (No. 14 of 1920), the Madhya Pradesh Public Trusts Act, 1951 (No. 30 of 1951) or in any scheme of management or in any decree, instrument, custom or usage.

(2) All laws, regulations and other enactments or orders relating to the management of the affairs of specified temples and their endowments and all deeds executed, and all arrangements entered into, for the said purpose with a Pujari or any other person prior to the commencement of this Act, in so far as such enactments, deeds or arrangements or inconsistent with the provisions of this Act, shall cease to have effect.

Definitions.

3. In this Act, unless the context otherwise requires,—

- (a) “administrator” means the administrator of the specified temple appointed under sub-section (1) of Section 16;
- (b) “appointed date” means the date appointed under sub-section (3) of Section 1;
- (c) “Chairman” means the Chairman of the Committee;
- (d) “Collector” means the Collector of such district where specified temple is situated;
- (e) “Commissioner” means the Commissioner of such division where the specified temple is situated;
- (f) “Committee” means the specified Temple Committee constituted under this Act;
- (g) “Court” means the Court of such district where specified temple is situated;
- (h) “endowment” means all property, movable or immovable belonging to or given or endowed in any name whatsoever for the maintenance of improvement of, or additions to, or worship in, or support of the specified temple or for the performance of any service or charity connected therewith or for the benefit, convenience or comfort, of the pilgrims visiting the temple and includes—
 - (i) the idols in the temple;
 - (ii) the premises of the temple;

- (iii) all gifts or property movable or immovable wherever situated and all income derived from any sources, whatsoever and standing in any name dedicated to the specified temple for any religious, pious or charitable purposes under the Committee or any movable or immovable property purchased from out of the specified temple fund and all offerings including chadhotry made to and received for and on behalf of the temple;
- (i) "income" means income derived from the property of temple and other sources such as donation and chadhotry;
- (j) "licensee" means a person who is granted a license under this Act;
- (k) "temple" or "specified temple" means the specified temple of the First Schedule, together with buildings and other structure situated therein and all appurtenant and subordinate temples and any authorised additions which may be made thereto after the commencement of this Act;
- (l) "Panda" means any person who is authorised to guide and assist pilgrims in offering worship or in any other matter connected therewith;
- (m) "Pujari" means any person who is authorised by the Committee to guide and assist pilgrims in offering worship or any other matter connected therewith;
- (n) "representative" means such non-salaried traditional person who performs worship along with or in place of main Pujari, Pujari or Purohit;
- (o) "sevak" means a person who is authorised by the Committee to assist the Pujari in due performance of his functions and to keep clean and well guarded the specified temple and other temples deity;
- (p) "State Government" means the Spiritual Department, Government of Madhya Pradesh;

CHAPTER—II

VESTING OF PROPERTY AND CONSTITUTION OF COMMITTEE

4. Notwithstanding anything contained in any decree or order of any Court or any custom or usage or contract, sanadh, instrument, deed of property, engagement to the contrary— Vesting of property.

- (i) the ownership of the specified temple and all the endowments which have been or may hereafter be made for the benefit of the temple in the name of any person whatsoever or for the convenience, comfort or benefit of the pilgrims; and
- (ii) all offerings including chadhotry;

shall vest in the deity of temple.

5. (1) Notwithstanding anything contained in any decree or order of any Court or any custom or usage or contract, or contract, sanadh, instrument, deed or engagement the possession, administration, control and management of the specified temple and its endowment shall vest in Committee. Administration to vest in Committee.

(2) The Committee shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to contract, and may by the said name sue and be sued.

6. (1) The Committee shall be consist of the following members:—

Constitution of the Committee.

- (a) The Collector of concerned district of specified temple or if and so long as the Collector is not eligible for membership under sub-section (3) an Additional Collector, nominated by the Collector;

- (b) The Superintendent of Police of concerned district of specified temple;
- (c) The Commissioner or Chief Municipal Officer of the local urban body of the concerned area of the specified temple;
- (d) Four officers serving in the district not below the rank of Class-II, to be nominated by the Collector;
- (e) One of the Pujari/Sevak of the temple to be nominated by the Collector;
- (f) Two Pujaris to be nominated by the State Government;
- (g) Two non-official persons having a special knowledge of the rites and customs relating to the form of worship practiced in temple, to be nominated by the State Government;
- (h) Special invitee to be nominated by the State Government.

(2) The Collector or the person nominated under clause (a) of sub-section (1) shall be the Chairman of the Committee and the Administrator shall be the Secretary of the Committee.

(3) No person who does not profess Hindu religion and does not accept the form of worship practiced in the temple shall be eligible for membership of the Committee.

(4) The nomination of the members shall be notified in the official Gazette by the State Government.

**Term of office,
resignation and
removal of
members.**

7. (1) A member nominated under clause (d) and (e) of sub-section (1) of section 6 shall hold office for a period the Collector deems fit. A member nominated by the State Government under clauses (f), (g) and (h) of sub-section (1) of section 6 shall hold office for a period of three years from the date of his nomination and shall be eligible for re-nomination.

(2) A member referred to in sub-section (1) may resign his office by giving a notice thereof to the authority nominating him and shall cease to be member on his resignation being accepted by that authority.

(3) The State Government may, by order, remove a member referred to in sub-section (1) if,—

- (a) he is of unsound mind and stands so declared by a competent court; or
- (b) he has applied for being adjudged as insolvent, or is an undischarged insolvent; or
- (c) he has been convicted of any offence involving moral turpitude; or
- (d) he has been guilty of corruption or misconduct in the administration of the temple; or
- (e) he has absented himself from more than three consecutive meetings of the Committee and is unable to explain such absence to the satisfaction of the Committee; or
- (f) he, being a legal practitioner, has acted or appeared on behalf of any person against the Committee in any legal proceedings after he has been nominated as a member of the Committee; or
- (g) he ceases to profess the Hindu religion or to believe in temple worship; or
- (h) he has been committed or abetted the commission of any act in support or furtherance of the practice of untouchability; or
- (i) if his activities are not in the interest of the Temple.

(4) A member shall not be removed under sub-section (3) unless he has been given a reasonable opportunity of being heard against his removal.

8. Any vacancy in the Committee shall be filled in the same manner as provided in sub-section (1) of Section 6.

Filling of vacancies.

9. (1) The Committee shall, for the transaction of its business, meet As often as may be necessary, but at least once in a period of three calendar months.

Meetings of the Committee.

(2) The quorum for meeting of the Committee shall be eight.

(3) If the quorum is not completed on the scheduled time, the Chairman of the Committee shall postpone the meeting for half an hour for the requisite quorum and may continue as if the quorum is complete. But in such postponed meetings no new discussion point apart from the agenda already circulated to its members shall be discussed and no decision shall be taken in financial matters.

(4) Question arising at a meeting of the Committee shall be decided by a majority of the votes of the members present and voting and in every case of equality of votes, the Chairman or the person presiding shall have a casting vote.

(5) The Secretary of the Committee shall be responsible for the proper record and the maintenance of the minutes of the proceedings duly counter signed by the Chairman and shall submit a copy of the said minutes to the Commissioner for information.

(6) The State Government or the Commissioner may call upon the Committee to submit a report on any matter concerning the business of the Committee and management of the temple and its affairs.

(7) The Committee shall send the quarterly report related to its all business and management of the temple to the State Government through the Commissioner.

10. No act or proceedings of the Committee shall be invalid merely by reason of—

Vacancy etc. not to invalidate proceedings.

- (a) any vacancy therein or defect in the constitution thereof; or
- (b) any defect in the appointment of person acting as the Chairman or member thereto; or
- (c) any irregularity in its procedure not affecting the merit of the case.

11. Subject to the provisions of this Act and the rules made thereunder it shall be the duty of the Committee,—

Duties of the Committee.

- (i) to arrange for the proper performance of worship, "puja-archana" in the daily and periodical rites of the temple;
- (ii) to provide facilities for the offerings of worship by devotees;
- (iii) to ensure of the safe custody of funds, valuables and jewellerys and the preservation and management of the properties vested in the temple;
- (iv) to ensure maintenance of order and discipline and proper hygienic condition in the temple and proper standard of cleanliness and purity in the offerings made therein;
- (v) to ensure that the funds of endowments of the temple are spend according to the wishes, so far as may be known, of the donors;
- (vi) to do all such things as may be incidental and conducive to the efficient management of the affairs of the temple and convenience of the worshippers; and

- (vii) to promote any other religious, educational, cultural or charitable activity;
- (viii) to protect the architectural or historical integrity of the temple and its premises.

Alienation of properties.

12. (1) No movable property of a non-perishable nature belonging to the temple and value of which is more than one lakh Rupees and no jewellery shall be sold, pledged or otherwise alienated without recommendation of the Commissioner.

(2) Save as otherwise expressly provided in this Act, no immovable property taken possession or secured by the Committee shall be leased out or mortgaged, sold or otherwise alienated except with recommendation of the Commissioner. The Commissioner may, after publishing in the official Gazette, the particulars relating to the proposed transaction and inviting objections and suggestions with respect thereto and considering all objections and suggestions, accord such sanction where he considers that the transaction is—

- (i) prudent and necessary or beneficial to the temple;
- (ii) in respect of immovable property, uneconomical for the temple;
- (iii) for adequate and proper consideration.

(3) Every sale of every such immovable property sanctioned by the Commissioner shall be effected by inviting public tenders in a transparent manner:

Provided that no lessee, mortgagee with possession or licensee of any land or building belonging to the temple and which is appurtenant to or which adjoins the temple or any tank, well spring or water course appurtenant to the temple whether situated within or outside the premises of the temple shall make use of the land, building or space so as to mar the aesthetic appearance or view or the religious atmosphere of the Temple.

(4) The Commissioner shall, by order and for reasons to be recorded therein, terminate or cancel the lease, mortgage or license as the case may be, of any person who contravenes the aforesaid provisions, after giving the person an opportunity of making his representation against the proposed termination or cancellation and require such person to deliver the possession of the land, building and space, as the case may be, to any member of the Committee before the date specified in the order. Whenever such person fails to deliver possession as aforesaid, before the date specified, the Commissioner may direct the Administrator to take possession.

(5) Whenever any temple land sold as per sub-section (2) used by any buyer in a manner so as to mar, in the opinion of the Commissioner, the religious atmosphere or the aesthetic appearance or view of the temple, such sale shall be considered null and void.

Limitation of borrowing power.

13. The Committee shall have no power to borrow money except with the previous approval of the Commissioner and prior intimation to the State Government shall be compulsory.

Report.

14. The Committee shall submit an annual report on the affairs of the temple to the Commissioner who thereafter forward it with his comments to the State Government.

Delegation of power.

15. The Committee may delegate any of its functions to its Chairman or Secretary.

CHAPTER III ADMINISTRATOR AND ESTABLISHMENT

Appointment of Administrator.

16. (1) The State Government may appoint an officer not below the rank of Deputy Collector, professing Hindu religion, to be Administrator of the temple and the Administrator shall be the Secretary of the Committee.

(2) The Committee shall exercise its powers of administration, control and management of the temple through the Administrator.

17. (1) The creation of posts, appointment procedure and service of the officers and employees of the Committee shall be such as may be prescribed by rules.

Creation of posts and appointment of officers and employees.

(2) Appointment of all officers and employees other than the Administrator shall be made by the Committee.

18. (1) All "Pandas", "pujaris", "sevaks", "representatives" and "servants" attached to the temple or in receipt of any emoluments or perquisites therefrom and all licensees shall be under the control of the Administrator.

Control and appointment of Pujaris etc.

(2) Subject to the provisions of this Act and the rules and bye-laws made thereunder, the commissioner may inflict the punishments as shown against it for breach of trust, incapacity, disobedience of lawful order or neglect of, or wilful absence from duty, disorderly behaviour or conduct derogatory to the discipline or dignity of the temple or for any other sufficient cause, namely:—

- (i) Removal from office;
- (ii) Recovery from emoluments or perquisites of the whole or part of any pecuniary loss caused to temple by negligence or breach of order or disorderly behaviour or conduct:

Provided that no punishment as aforesaid shall be inflicted unless the person concerned is given a reasonable opportunity of being heard.

(3) In case a vacancy on account of a pujari, sevak or any other person relinquishing his work or on account of death, removal or any other reason whatsoever, the Chairman of the Committee shall, subject to such rules as may be made in this behalf, appoint a pujari, sevak or such other persons to fill the vacancy, unless it considers that the filling of the vacancy is not necessary.

19. (1) Any person aggrieved by an order passed by the Administrator may, within thirty days of the date of communication of the order under section 18, prefer an appeal before the Committee.

Appeal against the order of the Administrator.

(2) The committee shall, after giving the parties concerned a reasonable opportunity of being heard, pass such orders as it deems fit and order so passed shall be final and conclusive and shall not be questioned in any court of law.

(3) No order made by the Administrator or by the committee under sub-section (1) and (2) shall debar any person aggrieved thereby from establishing his right, if any, in a court of competent jurisdiction but no court shall have power to stay the operation of the said order pending the final disposal of the proceedings before such court or of any appeal or application arising therefrom or in relation thereto.

20. The Chairman may, in cases of emergency, direct the execution of any work or the doing of any act which is not provided for in the budget for the year and immediate execution or the doing of which is in his opinion necessary for the preservation of the properties of the temple and its endowments or for the service or safety of the pilgrims resorting to the temple or for the due performance of the rituals therein and may direct that the expenses of executing such work or doing the act shall be paid from the fund of the temple. The Collector shall forthwith report to the Committee the action taken under this section and the reason therefor. The financial power of the Chairman shall be such as may be prescribed.

Emergency powers of the Chairman.

CHAPTER IV TEMPLE FUND, BUDGET, ACCOUNTS AND AUDIT

21.(1) There shall be constituted a fund to be called temple fund which shall be vested in and be administered by the Committee and shall consist of—

Temple fund.

- (a) the income derived from the movable and immovable properties of the temple;
- (b) any offering, gift, donation or contribution; and
- (c) all other moneys received.

(2) The fund may be utilized for carrying out all or any of the functions and duties of the Committee enumerated in section 11:

Provided that the fund shall not be utilized for promotion of any religious, educational, cultural or charitable activity not directly connected with the temple.

Budget.

22. (1) The committee shall, within three months from taking charge of its office, and thereafter at least one month before the commencement of each financial year, prepare or cause to be prepared a budget for the succeeding year and shall consider and pass the same at a meeting before the commencement of the year.

(2) A copy of the budget so passed shall be sent to the Commissioner for approval, who may approve it with such modifications as is considered necessary.

Accounts

23. The Committee shall, within first six months of each financial year, make the correct accounts of the receipt and expenditure in connection with the administration of the temple for the preceding year. A copy of the annual accounts for the preceding year shall be submitted to the State Government through the Commissioner maximum by July 31st and shall be exhibited on the website of temple.

Audit.

24. The commissioner shall, every year, appoint an auditor to audit the accounts of the temple and its endowments, and fix his remuneration which shall be paid to such auditor from the fund. The auditor shall submit his report to the Committee and send a copy thereof to the Commissioner. The Commissioner may give such direction thereon as may deem fit and the Committee shall carry out such directions.

CHAPTER—V CONTROL

Power of the State Government or Commissioner to call for information and accounts and issue of directions.

25. The State Government or the Commissioner shall have the power to call for all such information and accounts as may in its/his opinion be necessary for reasonably satisfying itself/himself that the temple is properly maintained, the endowments thereof are properly administered and their funds are duly appropriated to the purpose for which they were founded or exist, and the Committee shall on such requisition, furnish forthwith such information and accounts to the State Government or the Commissioner, as the case may be. The State Government or the Commissioner may issue such direction to the Committee as it/he may deem fit and the Committee shall carry them out.

Inspection.

26. (1) The State Government or the Commissioner may depute an officer to inspect any movable or immovable property, records, correspondence, plans, accounts and other documents relating to the temple. The Committee and its employees shall be bound to afford facilities to such officer for inspection.

(2) The Commissioner may, if he considers it necessary so to do, personally make an inspection under sub-section (1).

CHAPTER—VI UNAUTHORISEDLY TAKING POSSESSION OF LAND BUILDINGS OR OTHER PROPERTY OF TEMPLE

Unauthorised possession by persons of land or building belonging to temple.

27. (1) Where the Administrator has reason to believe that any person has unauthorisedly taken possession of any land or building belonging to the temple or the sacred tank, well, spring or watercourse, or has remained in unauthorised possession thereof, whether the same is situated within or outside the precincts of the temple, the Administrator shall report the fact together with relevant particulars to the Tehsildar having jurisdiction.

(2) On being satisfied that there has been an encroachment, the Tehsildar may serve upon the encroacher a notice specifying the particulars of the encroachment and calling on him to show cause before a certain date why an order requiring him to remove the encroachment before a date specified in the notice should not be made. A copy of the notice shall also be sent to the Administrator.

(3) The notice referred to in sub-section (2) shall be served in such manner as may be prescribed.

(4) After considering the reply, if any, of the encroacher and objections, if any, of Administrator received within the period specified in the notice referred to in sub-section (2), the Tehsildar may, by order, if he decides that there has been an encroachment, require the encroacher to remove the encroachment and deliver possession of the land or building encroached upon to the Administrator before a date specified in the order.

(5) The order of the Tehsildar shall be in writing and shall contain the grounds on which he has passed the order.

28. (1) Any person aggrieved by an order passed by the Tehsildar under section 27 may within thirty days from the date of the receipt by him of such order, prefer an appeal in writing to the Sub-Divisional Officer having jurisdiction.

Appeals against orders of Tehsildar under section 27.

(2) On such appeal being preferred, the Sub-Divisional Officer may order stay of further proceedings in the matter pending decision on the appeal.

(3) The Sub-Divisional Officer shall call for the records of the case from the Tehsildar and after giving notice in the manner prescribed to the appellant and the Administrator and if necessary, after making such further inquiry as he thinks fit, decide the appeal.

(4) The decision of the Tehsildar shall, subject to the decision of the Sub-Divisional Officer, be final and shall be conclusive evidence of the encroachment :

Provided that nothing in the section shall prevent the encroacher from instituting a suit in the Civil Court having jurisdiction on the ground that the temple has no title to the land or building.

(5) Where no appeal against an order of the Tehsildar has been preferred under sub-section (1) or where an appeal has been preferred and dismissed, the Tehsildar may get removed the encroachment and obtain possession of the land or building encroached upon. Any police officer or revenue officer whose help is required for this purpose shall be bound to render the necessary help to the Tehsildar. The cost of removal of any encroachment shall be recoverable as an arrear of land revenue from the encroacher. Such person shall also be liable to pay the rent of the land for the period of unauthorised occupation at twice the rate admissible for such land in locality and to a fine which may extend to 20 percent of the value of the land and to a further fine which may extend to one thousand rupees of every day on which such unauthorised occupation or possession continues after the date of first order. The Administrator shall deposit the fine so recovered in the fund.

CHAPTER—VII MISCELLANEOUS

29. The provisions of the Madhya Pradesh Accommodation Control Act, 1961 (No.41 of 1961) shall not apply to any property vesting in the deity of temple under section 4.

Provisions of the Madhya Pradesh Accommodation Control Act, 1961 not to apply.

30. All moneys due to the temple under this Act or under any agreement which provides for recovery of any amount payable shall, on a certificate signed by the Administrator or any person authorized by him in this behalf, be recoverable by the Tehsildar as arrears of land revenue.

Money due to the temple recoverable as arrears of land revenue.

31. No suit, prosecution or other legal proceedings shall lie against the State Government or any officer of the State Government, Commissioner or the Committee or any member thereof or the Administrator or any other person acting under the instruction of the Committee or authorized by it, for anything which is in good faith done or intended to be done under this Act or the rules or bye-laws made thereunder.

Protection of action taken in good faith.

Notifications, order etc. not to be questioned in court of law.

32. Save as otherwise expressly provided in this Act, no notification issued, order passed, decision made, proceedings or a action taken or other things done under the provisions of this Act by the State Government or any officer of the State Government or the Committee or any member thereof or the Administrator shall be liable to be questioned in any court of law and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Acquisition of land.

33. When any land or building, whether within or outside the limits of the temple, is required for the purpose of the temple and the Committee is unable to acquire it by agreement, the State Government may, at the request of the Committee, proceed to acquire such land or building under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No. 30 of 2013) and the acquisition of any land or building for the temple shall be deemed to be a public purpose within the meaning of that Act and on the payment by the Committee of the compensation awarded under the Act and of any other charges incurred by the State Government in connection with the acquisition of the land or building shall vest in the Committee subject to such terms and conditions as may be specified by the State Government.

Power of State Government for protection and redevelopment of the temple.

34. The State Government shall constitute a panel of a archaeologist, architect and heritage conservator, who shall prepare a detailed project report in the matters of protection, construction, repairing work and redevelopment of the temple.

Power to grant licences.

35. (1) Any person who desires to sell flowers, prasad, books and other literature, paintings and any other material approved by the Committee or to look after vehicles, shoes, umbrellas or other personal effects within and around the temple premises shall apply to the Administrator for grant of a licence or renewal thereof in such manner and within such period as may be prescribed by bye-laws.

(2) Every such application shall be accompanied by such fee as the Committee may subject to the limits prescribed, specify in this behalf.

(3) The Administrator may grant or renew the licence or for reasons to be recorded in writing refuse to grant or renew the licence.

(4) All the licences granted or renewed under this section shall be subject to the provisions of this Act and the rules and bye-laws made thereunder.

Power to cancel or suspend licences.

36. (1) Subject to the provisions of sub-section (2), the Administrator may, for reasons to be recorded in writing, suspend or cancel a licence,—

- (a) if the licence has been obtained through willful misrepresentation or fraud; or
- (b) if the holder of the licence or any servant or any one acting on his behalf with his express or implied permission, commits a breach of any of the terms and conditions of the licence; or
- (c) if the holder of the licence has become an insolvent; or
- (d) if the holder of the licence is convicted of any offence under this Act or under any law for the time being in force.

(2) No licence shall be suspended or cancelled under this section unless a reasonable opportunity to show cause against such suspension or cancellation has been given to the holder of the licence.

Appeal.

37. (1) Any person aggrieved by an order of the Administrator under sub-section (3) of section 35 or sub-section (1) of section 36 may prefer an appeal to the Chairman of the Committee.

(2) An appeal under sub-section (1) shall be made within thirty days from the date of receipt of the order in such manner as may be prescribed by bye-laws.

38. (1) The Committee shall be entitled to take and secure all movable and immovable properties including the funds and jewellery, records, documents and other assets belonging to the temple.

Committee to secure specified temples and their properties.

(2) If in obtaining such possession, the Committee or any person authorized in this behalf by the Committee is resisted or obstructed by anyone, it may make a requisition in the prescribed form to the Tehsildar within whose jurisdiction any such property is situated to deliver its possession to the Committee and on receipt of the requisition, the Tehsildar shall hold a summary enquiry into the facts of the case satisfying that the resistance or obstruction was without any just cause, shall comply with the said requisition and in exercising the power under this section the Tehsildar shall be guided by the rules made under this Act.

(3) No suit, prosecution or other legal proceeding shall lie against the Committee or any person acting under its instruction or authorized by it for anything done in good faith under sub-section (2).

(4) All public officers having custody of any record, register, report or other documents relating to the temple or any movable or immovable property thereof shall furnish such copies of or extracts from the same as may be required by the Administrator.

CHAPTER—VIII OFFENCES

39. Whoever,—

Offences.

- (a) whose duty is to perform the rituals of the temple or "puja archana" of the deity raises any claim or dispute and fails or refuses to perform such duties, knowing or having reasons to believe that the non-performance of the said duties would cause delay in the performance of the rituals or puja archana or inconvenience, harassment to the public or any section thereof entitled to worship in the temple and wilfully disobeys or fails to comply with orders of the Administrator directing him to perform his duties without prejudice to the results of a proper adjudication of such claims or disputes, such persons or any other person who abets such conduct; or
- (b) unauthorisedly performs any rituals, "puja archana" to any deity within the premises of the temple; or
- (c) voluntarily causes obstruction by use of force or otherwise to any "pujari" or "sevak" in the due performance of his duties; or
- (d) wilfully does any act whereby the "bhog" or temple is defiled; or
- (e) unauthorisedly exhibits any "thali" or other receptacle in such manner as might reasonably induce any person to place any offering whether in cash or in kind in such "thali" or other receptacle or solicits money in any other manner whatsoever; or
- (f) not being authorized by the Committee or the Administrator interferes with the movements of person or with any regulatory measures therefor within the premises of the temple; or
- (g) forcibly enters into any place within the temple when such entrance is prohibited under any law or custom or under any lawful order passed by the Committee or the Administrator; or

- (h) takes inside the premises of the temple any article knowing that the taking of such article is prohibited under any law or custom or by any declaration made and published in the prescribed manner by the Committee with due regard to the prevailing custom, public health, morality or the religious sentiment of the public,

shall without prejudice to any other action taken against him under any other provisions of this Act, on conviction be punishable with imprisonment which may extend to six months or with fine which may extend to five thousand rupees, or with both.

Cognizance of offence.

40. No court shall take cognizance of any offence under this Act without the prior approval of the collector.

Composition of offences.

41. (1) The Administrator may accept from any person against whom a reasonable suspicion exists that he has committed an offence under this Act a sum of money not exceeding-

- (a) in cases coming under clause (d) of Section 39, five times the amount of the value ; and
- (b) in any other cases, the maximum amount of the fine which may be imposed in respect of the offence,

by way of the composition of the offence.

(2) On the payment of such sum of money no further proceedings shall be taken against such person.

Fines to be credited to temple fund.

42. All amount realized on account of fines upon conviction for offences under this Act or as a result of composition shall be credited to the temple fund.

CHAPTER IX RULES

Power of the State Government to make rules.

43. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) All rules made under this Act shall be laid on the table of the Legislative Assembly.

Power of Committee to make bye-laws.

44. (1) The Committee may, with the previous approval of the Commissioner, make bye-laws for the administration and governance of the temple and its endowments not inconsistent with this Act or rules made thereunder or any other law.

(2) In particular and without prejudice to the generality of the foregoing power such bye-laws may provide for—

- (a) the division of duties among the Chairman of the Committee and the Secretary;
- (b) the manner in which decision on any matter may be taken otherwise than at the meetings;
- (c) the procedure and conduct of business at meetings of the Committee;
- (d) the book and account to be kept at the office of the Committee;
- (e) the custody and investment of funds of the Committee;
- (f) the details to be included in or excluded from the budget of the Committee;
- (g) the time and place of meetings of committee;

- (h) the manner in which notice of meetings of committee shall be given;
- (i) the preservation of order and conduct of proceedings at meetings and the powers which the Chairman may exercise for the purposes of enforcing its decision;
- (j) the manner in which the proceedings of meetings of committee shall be recorded;
- (k) the person by whom receipts may be granted for moneys paid to the Committee;
- (l) the maintenance of order inside the temple and regulating the entry and exit of persons therein or therefrom;
- (m) the manner in which worship shall be performed in the temple during 'parvas', 'melas' and 'utsavas';
- (n) the preparation of a list of persons fit for appointment as "pujari" "panda" and "sevak" of the temple after taking into consideration the educational qualifications, religious knowledge, conduct, training and experience and other ancillary matters thereto like prevalent practices, faith-systems and traditions of the temple;
- (o) the procedure for appointment of officers and other employees and terms and conditions of their services under Section 17;
- (p) the manner in which and the period within which application for licence may be made under sub-section (1) of Section 35;
- (q) the manner in which appeal may be preferred under sub-section (2) of Section 37;
- (r) any other matter for which bye-laws are to be made under this Act or it may be necessary to frame bye-laws for effectively implementing the provisions of this Act and the rules made thereunder.

(3) All bye-laws after they have been confirmed by the Commissioner shall be put up on the notice board of the temple.

45. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by general or special order published in the Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for the removal of the difficulty :

Removal of difficulties.

Provided that no such order shall be made after the expiration of one year from the appointed date..

(2) Every order made under sub-section (1) shall be laid on the table of the Legislative Assembly.

46. The State Government may, by notification, as it deems fit, include or exclude any temple in the First Schedule.

Power to include or exclude temples in Act.

47. Subject to the provision of Section 10 of the Madhya Pradesh General Clauses Act, 1957 (No. 3 of 1958), on the commencement of this Act all Acts specified in the Second schedule shall be repealed.

Repeal and saving.

48. The State Government may, by notification, specifying the reasons of exemption, exempt any temple from the provisions of this Act, subject to such conditions which the State Government may consider appropriate.

Exemption.

THE FIRST SCHEDULE

[See section 46]

S.No.	Name of temple, Subordinate temples, Buildings and other structures
(1)	(2)
1.	Shri Mahakaleshwar Mandir, Ujjain
(1)	Shri Omkareshwar Temple
(2)	Temples of Shri Sabha Mandap-
(i)	Chandradityeshwar Temple,
(ii)	Veerbhadrar Gajanan,
(iii)	Annapurna Murti Devijee,
(iv)	Shri Ram Temple,
(v)	Avantika Devi,
(vi)	Ghuveshwar Mahadev.
(3)	Shri Kotiteerth.
(4)	Shree Koteswar and Remeshwar.
(5)	Shri Mahadev Temples near about Kotiteerth.
(6)	Mahadev 84.
(7)	Indreshwar Temple.
(8)	Dharmashala of Devashala.
(9)	Govindeshwar Mahadev Temple.
(10)	Ganpati Temple.
(11)	Dharmshala of Kibe Saheb.
(12)	Siddhi Vinayak Temple.
(13)	Mahadev Temple.
(14)	Vishnu Temple.
(15)	Temples in Omkareshwar Courtyard above Shri Mahakaleshwar Temple:-
(i)	Navagraha
(ii)	Maruti Temple
(iii)	Ganpati Temple
(iv)	Neelkantheshwar Temple
(v)	Shri Rameshwar
(vi)	Second Temple Ganpati
(vii)	Ancient writings on stone of Mahakaleshwar Temple
(viii)	Trivishveshwar Mahadev
(ix)	Ekadasharudra
(x)	Siddheshwar
(xi)	Sapteshwar
(xii)	Das Maruti
(xiii)	Sakshi Gopal
(xiv)	Third Ganpati Temple
(16)	Shri Mahakaleshwar Dharmshala and its temples:-
(i)	Vitthal Temple
(ii)	Mangaleshwvar
(iii)	Siddhesvar
(iv)	Ganpati
(v)	Narsingh
(vi)	Ram Temple.
(17)	Vriddhakaleshwar Temple and its adjacent temples:-
(i)	Vriddhakaleshwar Temple
(ii)	Saptarshi
(iii)	Anadi Kalpeshwar
(iv)	Maafi Temples
(v)	Omkareshwar

(1)

(2)

- (vi) Ganpati
- (vii) Idols of Kalpariksha, Kamdhenu, etc. with Mahadev
- (viii) Kashi Vishvanath
- (ix) Mahadev
- (x) Manmankarashwar Mahadev
- (xi) Mahadev Temple
- (xii) Hanumanji Temple
- (xiii) Samadhi of Guru Bherupuri
- (xiv) Goverdhan Temple.

2. **Shri Ganpati Temple, Khajrana, Indore**

- (1) Shri Ganesh Mandir,
- (2) Shri Durga Mata Mandir,
- (3) Shri Shiv Mandir,
- (4) Shri Kshipreshwar Mahadev Mandir ,
- (5) Shri Krishna Mandir,
- (6) Shri Kaila Mata Mandir,
- (7) Shri Bhadva Mata Mandir,
- (8) Shri Hansi Devi Mandir,
- (9) Shri Chintaman Ganesh Mandir,
- (10) Shri Mahakal Mandir,
- (11) Shri Vedmata Mandir,
- (12) Shri Siddh Bhairav Mandir,
- (13) Shri Narsingh Mandir, Shri Piplashwar Mahadev Mandir, Shri Seetalamata Mandir,
- (14) Shri Jai Santoshi Mata Mandir,
- (15) Shri Hanuman Mandir,
- (16) Shri Ganesh Mandir Kaleganes,
- (17) Shri Shani Mandir,
- (18) Shri Sai Baba Mandir,
- (19) Shri Venkatesh Mandir,
- (20) Shri Lekshmi Narayan Mandir,
- (21) Shri Ichhaman Ganesh,
- (22) Shri Mahavir Hanuman Mandir,
- (23) Shri Dattatraya Mandir,
- (24) Shri Ram Darbar Mandir,
- (25) Shri Radha Krishna Mandir,
- (26) Shri Mahalakshmi Mandir,
- (27) Shri Gopeshwar Mahadev Mandir,
- (28) Shri Prachand Bhairav Mandir,
- (29) Shri Bhairav Mandir,
- (30) Shri Surya Mandir,
- (31) Shri Gangamata Mandir,
- (32) Shri Dakshinee Hanuman Mandir,
- (33) Shri Santoshimata Mandir,

3. **Shri Jamsavli Hanuman Mandir, Chhindwara**

- (1) Chamatkarik Shri Hanuman Mandir
- (2) Shri Shiv Panchayatam Mandir
- (3) Shri Ram Mandir
 - (i) Shri Ganesh ji
 - (ii) Shri Vitthal Rukmani
 - (iii) Shri Ram ji, Laxman ji, Sita ji, Hanuman ji
 - (iv) Shri Shiv ji
 - (v) Maa Durga ji
- (4) Dhyankaksh (Sant Darbar)
 - (i) Godavari Mata
 - (ii) Upasani Baba

(1)

(2)

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|--|---|
| <ul style="list-style-type: none"> (iii) Shri Sai Baba (iv) Shri Gyaneshwar Maharaj (v) Shri Gajanand Maharaj (vi) Shri Tukdo ji Maharaj (vii) Shri Gadge Baba (5) Yagyashala (Yagyakund) (6) Bhaktniwas No. 1 (7) Bhaktniwas No. 2 (8) Bhaktniwas No. 3 (9) (Samudayik Bhawan) (10) Pakshala Bhawan (Bhojan Kaksh) (11) (Store Room) (12) Goushala | <ul style="list-style-type: none"> 4. Shri Dada ji Darbar, Khandwa (1) Goushala, Bagicha, Bada Kua (2) Harihar Bhawan, Rooms of Sevadar (3) Temple of Chhote Dada ji and Bade Dada ji (4) Prajwalit Dhuni Mai (5) Narmada Mandir (6) Thandi Dhuni evam Gangachari (7) (Amulya Darshan) (8) Rath Griha (9) (Trust Office, Bhojan Prasadi Griha) (10) Rooms of Sevadar near Gate of north side (11) Suvidha Griha (Bathroom and Toilet) (12) Movable Property- Three Chhatra of Gold, Silver coated two tables, Silver Kalash, Silver Thhali, Silver Bucket, Silver Bowl, Silver Ghanti, Silver Glass, Silver Chhatra, Silver Dand, Silver Chavar etc. (13) Two Vintage Cars situated at Rath Griha, Two Bagghi, Gramophone and other articles pertaining to Chhote Dada ji and Bade Dada ji, Clothes, Chhadi, Harmonium, Chhatri, Charan Padukayen, Pankha, Ghanti etc. |
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| <ul style="list-style-type: none"> 5. Maa Sharda Devi Mandir, Maihar (1) Shri Narsingh Bhagwan (2) Shri Hanumanji (3) Shri Kali Devi (4) Shri Shankar Bhagwan (5) Shri Hantha Pujari (Back portion of Maa Sharda Deviji main temple) (6) Shri Chabutara Brahmadeo (7) Shri Chabutara Ghanta (8) Shri Kaal Bhairav (9) Shri Jawara Thandha Karne Ka Asthan (10) Shri Devi Gaddi (11) Shri Sthan Hawan Kunda (12) Shri Durga Devi (Behind Devi-Gaddi) (13) Shri Shishnag Bhagwan (14) Shri Marhi Mata (15) Shri Jalpa Devi (16) Shri Phulmati Devi (17) Shri Addhi Mata (18) Shri Deodhi (First Stair) (19) Shri Bhainasaur (20) Shri Neelkanth Swami Ka Chabutara (21) Shri Mauni Baba Ki Kutia (22) Shri Durga Devi Shankar Bhagwan. (Behind Mela office on the slope of hillock) (23) Shri Dulha Deo | |
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(1)	(2)
(24)	Shri Yagya Shala (by the side of Mela office building)
(25)	Shri Yagya Shala Purani
(26)	Shri Shankar Bhagwan ka Mandir (Near new Bauli)
(27)	Shri Bharti Baba Ki Kutia
(28)	Shri Chabutra Baba Ki Samadhi
(29)	Shri Shankar Bhagwan Mandir (in the market area)
(30)	Shri Mandir Hanumanji (Pulghata Ke pass)
(31)	Shri Durga Mata Mandir (Near Alha Talaiya)
(32)	Shri Akhanda Jyoti of the Cave
(33)	Shri Sharda Bhawan (Building in the city) (situated in Ward No. 14 of Maihar city)
(34)	Shri Building No. 283/4 in Ward No. 18 of Maihar City.
6.	Maa Salkanpur Devi Mandir, Salkanpur, District Sehore.
(1)	Land 90 acre
(2)	Mandir premises
(3)	Mandir Dharmshala and school

THE SECOND SCHEDULE

[See section 47]

S.No.	Name of repealed Acts pertaining to temple
1.	The Madhya Pradesh Shri Mahakaleshwar Mandir Adhiniyam, 1982 (No. 21 of 1983)
2.	The Madhya Pradesh Ganapati Mandir Khajrana, (Indore) Adhiniyam, 2003 (No. 2 of 2004)
3.	The Madhya Pradesh Maa Sharda Devi Mandir Adhiniyam, 2002 (No. 5 of 2003)
4.	The State Salkanpur Temple Act (Bhopal Region), 1956 (No. 4 of 1956)

STATEMENT OF OBJECTS AND REASONS

At present there is no enactment for better maintenance, preservation and administration of specified temples. Therefore in order to proper maintenance of the temples and deity and to provide the facilities to the devotees suitable enactment has been proposed.

2. Hence this Bill.

BHOPAL:

Dated the 18th December 2019

P. C. SHARMA

Member-in-charge.